

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year)	30 -08- 2004
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Applicant's or agent's file reference
John 10 116099/sko

FOR FURTHER ACTION
See paragraph 2 below

International application No. PCT/NO 2004/000071	International filing date (day/month/year) 12.03.2004	Priority date (day/month/year) 13.03.2003
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International Patent Classification (IPC) or both national classification and IPC
A01G 13/02 // A01G 1/00, A01G 13/06

Applicant
Johnsen, Torfinn

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further opinions, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
- ☒ paid additional fees
 - ☐ paid additional fees under protest
 - ☐ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☐ not complied with for the following reasons:

1. Claims 1 - 32 and 34 -56, are related to a mixture, for treating a soil surface or a soil-mass. The invention is characterized in that the mixture includes a powder base-mixture consisting of a water-soluble, dried and grinded organic raw material, a pigment and a thickener for forming of a film or membrane on the soil surface. The base-mixture includes at least one component that functions sufficiently anti-oxidizing in itself to give the membrane /film an anti-oxidizing effect on the environment.

2. Claim 33 is related to a mixture for treating a soil surface in order to damp the erosion. The mixture consists of from 95 to 99,7 water and from 0,3 to 5 % alginate.

The technical relationships between the two inventions defined in the claims lack a common special technical feature, which defines a contribution over the prior art.

4. Consequently, this opinion has been established in respect of the following parts of the international application:
- ☐ all parts
 - ☐ the parts relating to claims Nos. _____

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-32, 34-56	YES
	Claims	1, 2, 33	NO
Inventive step (IS)	Claims		YES
	Claims	1-56	NO
Industrial applicability (IA)	Claims	1-56	YES
	Claims		NO

2. Citations and explanations:

The invention according to claim 1-32 and 34-56 relates to a mixture comprising a water-soluble organic raw material which, when added to the soil forms an environment-friendly, biodegradable and anti-oxidising membrane on top of and/or at a given depth in the soil which has a soil and growth enhancing effect without impoverishing the soil.

Claim 33 is related to a mixture for treating a soil surface in order to damp the erosion with a mixture that consists of from 95 to 99,7 water and from 0,3 to 5 % alginate.

Reference is made to the following document/s/:

D1: WO 0170012 A1
D2: US 6029395
D3: NO 164106 B
D4: EP 0177226 A2
D5: US2961799 A
D6: WO 9801510 A1
D7: US 3891571 A
D8: GB 903959 A
D9: US 3180097 A
D10: EP 0274851 A1

D1 and D2 disclose different mixtures that include a water-soluble organic material for forming of a film or membrane on the soil, which has a soil and growth enhancing effect. The mixtures contain different additives, which will give the coating different properties such as different oxidation properties. In D2 the mixture may even comprises a special antioxidant (col.5 line3).

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V

Consequently, the invention according to claims 1 or 2 is not novel.

The function of the film or membrane in the documents D1 and D2 is the same as those mentioned in claims 4-32 and 34-56 in this application. Consequently, to the extent claims 4-32. 34-56 refer to claims 1 or 2 no inventive step can be found.

D8 and D9 disclose a mixture for treating a soil surface in order to damp the erosion with a mixture consisting of water and alginate with amounts within the mentioned interval. Consequently, the invention according to claim 32 is not novel.

D3-D7 and D10 reveal the state of the art for applying different compositions to soil surfaces in order to provide a covering, with a soil and growth enhancing effect.